

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DONNIE D. WHITE,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 09-cv-293-DRH
)	
GREGORY LAMBERT, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Plaintiff Donnie D. White filed this action against 51 employees at the Tamms Correctional Center, and several motions are currently pending.

MOTION TO AMEND COMPLAINT (DOC. 15)

In this motion, White seeks leave to file his first amended complaint, and he has submitted a copy of his proposed amended complaint. His amended complaint does not add new defendants, although it appears that he is correcting the names of two: Jan Miller to Jhan Millen, and Lakesha Baker to Lakesha Hamby.

The instant motion is **GRANTED**. The Clerk shall file the first amended complaint and make the necessary corrections to the entries for these two defendants.

MOTION TO CORRECT CLERICAL ERRORS (DOC. 14)

White wishes to have the Clerk make certain corrections to the names and titles of the defendants in this action. He asserts that the errors in the docket were made by the Clerk. A careful comparison of the docket entries to the original complaint shows that the Clerk made the docket

entries exactly as specified by White, and thus there are no clerical errors to correct. This motion is **DENIED**, except to the extent that those corrections are reflected in the amended complaint.

MOTIONS TO WITHDRAW MOTIONS (DOCS. 9, 11)

White initiated this action with a motion to proceed *in forma pauperis* (Doc. 2), which he now seeks to withdraw (Doc. 9). This motion is **GRANTED**; the motion to proceed *in forma pauperis* is now **MOOT**.

White also wishes to withdraw his duplicate motion to notify the court of pendant jurisdiction and his motion for a copy of the complaint (Doc. 11). This motion is **GRANTED**; these two motions (Docs. 6, 8) are now **MOOT**.

MOTIONS TO ADD ADDITIONAL DOCUMENTS (DOCS. 5, 10, 16, 17)

With each of these motions, White has submitted exhibits to show exhaustion of administrative remedies on his various claims. These motions are **GRANTED**. The Court notes that the first three motions have the exhibits included as part of the motion filing, but with the fourth (Doc. 17), the proposed exhibits were submitted separately. The Clerk is **DIRECTED** to **FILE** those proposed exhibits.

MOTION FOR SUBSTITUTION OF JUDGE (DOC. 7)

White does not explain why he seeks such a substitution; he simply asserts that he “has a constitutional right” to such a substitution “before trial has been set.” White is incorrect. The only basis for substitution or recusal of an assigned judge is set forth by statute, *see* 28 U.S.C. §§ 144, 455, and White invokes neither statute. Accordingly, this motion is **DENIED**.

MOTION TO NOTIFY COURT OF PENDANT JURISDICTION (DOC. 3)

In this motion, White asks the Court to file federal criminal charges against any defendant

who may be found civilly liable in this action. However, federal criminal charges may be filed only as specified by federal rules, *see* FED.R.CRIM.P. 3, 7, and this motion is **DENIED**.

IT IS SO ORDERED.

DATED: November 12, 2009.

/s/ DavidRHerndon

**CHIEF JUDGE
UNITED STATES DISTRICT COURT**